

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: SHANNON DAY HILL

Debtor(s)

) Case No. 20-10986-jps
) Chapter 13 Proceedings
) Judge Jessica E. Price Smith

TRUSTEE'S MOTION TO DISMISS CASE

Now comes LAUREN A. HELBLING, the duly appointed, qualified and standing Chapter 13 Trustee ("Trustee") herein, and hereby moves this Honorable Court to dismiss the case of the Debtor ("Debtor") pursuant to Sections 1307 and 1322 of the Bankruptcy Code. In support of this motion, the Trustee makes the following representations to the Court:

1. Debtor(s) filed a petition under Chapter 13 of Title 11, U.S.C. on February 21, 2020. The plan of the Debtor was confirmed on July 8, 2020. The current plan of the Debtor(s) requires payments to the Trustee in the amount of **\$524.00** each month.
2. A review of the Trustee's records indicates that as of the date of this motion, the Debtor(s) is delinquent **\$2081.54** through the November, 2020 payment.
3. In addition, the confirmed plan is not feasible because it will not be completed within the sixty month maximum period allowed under 11 U.S.C. Section 1322(d).
4. Section 1307(c)(1) of the Bankruptcy Code states that unreasonable delay by the debtor that is prejudicial to creditors is grounds for dismissal of the case of the debtor. In addition, Section 1307(c)(6) of the Bankruptcy Code states that material default by the debtor with respect to the terms of a confirmed plan is grounds for dismissal of the case of the debtor. Finally, Section 1307(c) of the Bankruptcy Code permits a case to be dismissed for "cause." The Trustee believes that the failure of the Debtor(s) to maintain payments to the Trustee and failure to complete the plan within the maximum period allowed has unreasonably delayed the administration of the case of the Debtor(s), and ultimately delayed the potential repayment of the creditors of the estate of the Debtor(s). As a result, cause exists to dismiss the case of the Debtor(s).
5. The Trustee will not withdraw this motion unless a response is filed and the Debtor(s) remits **\$2081.54** to the Trustee along with the additional payment of **\$524.00** per month due by the hearing date and takes steps to cause the plan to complete within the 60 month statutory maximum period.

WHEREFORE, your Trustee, being a proper party in interest, moves this Honorable Court to grant this motion and dismiss the case of the debtor for the reasons cited.

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268

Fax (216) 621-4806

ch13trustee@ch13cleve.com

CERTIFICATE OF SERVICE

I certify that on November 23, 2020 a true and correct copy of this Trustee's Motion to Dismiss Case was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

WILLIAM J BALENA, on behalf of Debtor(s), at docket@ohbksource.com

And by regular U.S. mail, postage prepaid, on:

SHANNON DAY HILL, Debtor(s), at 264 NORTHFIELD DRIVE, ELYRIA, OH 44035

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

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